

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 7-15 are pending in the present application, Claims 12 and 15 having been amended. Applicants respectfully submit that the amendments to Claims 12 and 15 correct the informalities identified in the outstanding Office Action, and do add new matter.

In the outstanding Office Action, Claim 12 was objected to; Claim 15 was rejected under 35 U.S.C. §112, second paragraph; Claims 7, 9, 11, and 13 were rejected under 35 U.S.C. §102(b) as anticipated by Kazutaka (Japanese Patent Publication No. JP 03-030239); Claim 12 was rejected under 35 U.S.C. §103(a) as unpatentable over Kazutaka in view of Fay (U.S. Patent No. 2,617,959); Claim 14 was allowed; and Claims 8 and 10 were indicated as including allowable subject matter.

Applicants thank the Examiner for the allowance of Claim 14 and in the indication of allowable subject matter in Claims 8 and 10.

Claim 12 is amended as suggested by the outstanding Office Action. Applicants respectfully request that the objection to Claim 12 be withdrawn.

Claim 15 is amended to change its dependency from Claim 13 to Claim 14. Applicants respectfully request the rejection of Claim 15 under 35 U.S.C. §112, second paragraph, be withdrawn.

Applicants note that no English translation of Kazutaka has been provided in the outstanding Office Action. MPEP § 706.02 II makes clear that if a rejection is based on English Abstract of a foreign language reference, a full English translation of the reference must be supplied to the Applicants.¹ Additionally, any Final rejection may not rely on the

¹ "If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection" MPEP §707.02 II (emphasis added).

Abstract of a foreign language reference unless the Applicants are provided with a full English translation of the foreign language reference.

As the present Action includes no translation of the underlying document, the outstanding Office Action must be relying on the English Abstract. However, MPEP §707.02 II makes it clear that such reliance is “inappropriate where both the abstract and the underlying document are prior art.” *See also Ex Parte Gavin* 62 USPQ2d 1680 where the Board of Patent Appeals and Interferences placed the burden of obtaining a translation on the Examiner.

Moreover, MPEP §706.02(II) states “The converse may also be true, that the full text document will include teachings away from the invention that will preclude an obviousness rejection under 35 U.S.C. §103, when the abstract alone appears to support the rejection.” Thus, without a full translation of the underlying document, Applicants cannot fully evaluate the merits of the outstanding rejection.

In light of MPEP §707.02 II, Applicants respectfully submit that the outstanding grounds of rejection are improper, and respectfully request that the outstanding Office Action be withdrawn and a new Office Action be issued that is accompanied by an English translation of Kazutaka.

Furthermore, the English Abstract of Kazutaka does not disclose or suggest the claimed “the first bars evenly spaced out on a skewed surface, and substantially extended as circle pseudo-involutes about the central hub.”

Furthermore, the outstanding Office Action appears to rely on Fig. 2 of Kazutaka as disclosing that control gird 3 is evenly spaced on a skewed surface. However, the outstanding Action improperly presumes that the spacing is drawn to a particular scale in Figure 2. No such disclosure appears in English Abstract of Kazutaka and the PTO cannot simply assume that patent drawings are in scale. *See In re Wilson*, 136 USPQ 188, 192, (CCPA 1963) that


specifically points out that because “[p]atent drawings are not working drawings,” arguments predicated on portions of drawings “obviously never intended to show the dimensions of anything,” like the arguments in the final rejection, are without merit. Further note In re Wright, 193 USPQ 332, 335 (CCPA 1977) (“Absent any written description in the specification of quantitative values, arguments based on measurement of a drawing are of little value. In re Chitayat, 56 CCPA 1343, 408 F.2d 475, 161 USPQ 224(1969)”).

In view of the above-noted discussion, Applicants respectfully submits that Claim 7 (and any claims dependent thereon) patentably distinguish over Kazutaka.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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